

Attorney Docket No. 56754.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James Charles Baker
Title: PROTECTION OF DIELECTRIC CABLES
Application No.: 09/890,632
Date Filed: August 3, 2001 (as corrected)
Confirmation No. 6299

PETITION FOR CORRECTION OF FILING DATE

Office of Initial Patent Examination
Assistant Commissioner of Patent
Washington, DC 20231

Sir:

Applicant is in receipt of the Filing Receipt for the above application which shows that the Patent Office accorded the application a filing date of January 7, 2002. It is respectfully submitted that the filing date assigned to this application is incorrect. The application should have been accorded a filing date of August 3, 2001.

However, the application included an unsigned declaration. An unsigned declaration was included because the application was received from the foreign associate shortly before the due date of August 5, 2001 without a signed declaration. The application is based upon a UK application that was filed on February 5, 1999. A PCT application with a Chapter II demand was then filed that pushed the due date for filing in the U.S. to 30 months from the original filing date of February 5, 1999, i.e., August 5, 2001. In response to receiving the unsigned declaration, the Patent Office issued a Notification of Missing Requirements on September 14, 2001 with a two month deadline to respond. Applicant timely responded to the notification by filing the signed declaration.

In response to the filing of the signed declaration, Applicant received a filing receipt showing the filing date of the application as January 7, 2002, well beyond the due date for filing the application. However, according to 37 C.F.R. 1.53(b) the filing date of an application is the date on which the requirements of 35 U.S.C. 112 are satisfied and 35 U.S.C. 112 does not mention a signed declaration as a requirement for a filing date. Applicant respectfully submits that the documents filed on August 3, 2001 are the only documents needed to receive the August 3, 2001 filing date.

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Therefore, applicant respectfully requests that a corrected filing receipt showing the August 3, 2001 filing date of the application be issued by the Patent Office.


The application as filed referred to "Express Mail" Label No. EL 912177804 US and its date of deposit was August 3, 2001, as an inspection of the application transmittal letter will verify.

Attached is a true copy of the "Customer Copy" of Express Mail Label No. EL 912177804 US showing a "date-in" of August 3, 2001 and a USPS date stamp of "August 3, 2001." In accordance with the provisions of 37 C.F.R. § 1.10, the application should have been accorded a filing date of August 3, 2001, and correction is respectfully requested.

Respectfully submitted,

LUEDEKA, NEELY & GRAHAM, P.C.

By


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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper, consisting of 5 pages, is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below to Fax No. 703-308-7751.

Date: March 11, 2002


Jason L. Hornkohl